

NAS PAXRIV INSTRUCTION 12610.6F

From: Commanding Officer

Subj: SCHEDULING OF WORK FOR CIVIL SERVICE EMPLOYEES

Ref: (a) 5 CFR 610
(b) 5 CFR 550
(c) NAVAIRWARCENACDIVINST 12620.1

Encl: (1) Policy for Scheduling of Work for Civil Service Employees
(2) Determining Days on which Holiday Benefits Accrue

1. Purpose. To outline the policy for scheduling of work for civil service employees, pursuant to reference (a).
2. Cancellation. NAS PAXRIV Instruction 12610.6E.
3. Scope. Applies to civil service employees of the Naval Air Warfare Center Aircraft Division (NAVAIRWARCENACDIV) and the Naval Air Station (NAS), Patuxent River, Maryland, and tenant activities receiving personnel services from the NAVAIRWARCENACDIV Human Resources Office (HRO). Parts of this instruction do not apply to employees covered under an approved flexible or alternate work schedule.
4. Background. References (a) through (c) describe policy affecting work schedules for civil service employees. Employees' work schedules should be maintained as stably as is possible unless the activity would be seriously handicapped in carrying out its mission or where costs would be substantially increased.
5. Responsibilities. All Heads of NAS departments, NAVAIRWARCENACDIV directors, and equivalent level officials at tenant activities shall ensure that the policy outlined in this instruction is adhered to. Management officials shall give due regard to the obligations established in Negotiated Agreements with local unions prior to effecting changes in work schedules.
6. Review. The Director, HRO shall review this instruction annually and make changes as necessary.

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Distribution:
Distribution List III

NASPAXRIVINST 12610.6F

POLICY FOR SCHEDULING OF WORK FOR CIVIL SERVICE EMPLOYEES

1. Days and Hours of Work. The basic biweekly work schedule for employees under the scope of this regulation may be the compressed work schedule (CWS) as established by reference (c), which is Monday through Thursday for one week of the pay period and Monday through Friday for the other week, or the traditional schedule of Monday through Friday for both weeks of the pay period. The basic workweek for employees under the CWS Plan consists of one week, which has four 9 hour days totaling 36 hours and the other week, which has four 9 hour days and one 8 hour day totaling 44 hours. The traditional schedule consists of two 40 hour weeks, each with five 8 hours days.

2. Lunch Periods. A half-hour lunch period should be set aside at the mid-point of the work shift. A longer lunch period of up to one hour in length may be established upon the approval of the head of the activity, provided working hours are extended to ensure a full eight or nine hour day. The lunch period is normally non-work time for which neither basic nor overtime compensation is payable. Supervisors must ensure that no work is performed during the lunch period by subordinates that are not exempt from the provisions of the Fair Labor Standards Act (FLSA). Supervisors have the authority to designate the time at which lunch periods are taken and may stagger lunch periods to provide for coverage of the office. Lunch breaks in excess of one hour are not allowed except for education purposes.

3. Scheduling of Lunch Periods for Shift Workers. In some types of jobs, it may not be administratively desirable to allow a specified period of time for lunch. For example, it may be more desirable to avoid overlapping shifts when night shifts are employed or when the job may require the constant attention or availability of the employee. In these types of cases, it is proper to schedule shifts without a lunch period. The employee may be allowed to eat on the job at a time when eating will not interfere with the work in progress. When no lunch period is scheduled, the schedule shall so indicate, and controls must be exercised to ensure that eight hours of work are accomplished.

4. Changing Work Schedules. When it is necessary to change the specific day and/or hours of a day in an employee's basic workweek, the employee will be informed in advance of the revised workdays and/or work hours that will comprise the basic workweek. The change in the basic workweek will be recorded on the employee's time card. Prior to establishing new tours of duty for employees included in the bargaining unit, the American Federation of Government Employees (AFGE), Local 1603 must be notified and provided the opportunity to meet and confer on the implementation of the new tour of duty.

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5. Standby Duty. Standby duty is performed when there is waiting within a relatively confined area to perform actual work. Actual work is performed when attention is devoted to doing certain tasks, even though the nature of the task does not require constant attention or activity. When an employee's tour of duty includes a period during which the employee remains at or within the confines of the station in a standby status rather than performing actual work, the employee's regularly scheduled administrative workweek is the total number of regularly scheduled hours of duty a week, including time in a standby status, except for that time allowed for sleep and meals. Standby time consists

of periods in which an employee is officially ordered to remain at or within the confines of the station, holding himself or herself in readiness to perform actual work when the need arises or when called. Time outside the regular workday or an employee's scheduled workweek spent waiting to report to or return from a place of work because of the isolated location of the work, weather conditions, or other causes, does not constitute standby duty.

6. Changing to and from Daylight Saving Time. The hour lost to the employee on a scheduled shift on which the change to daylight saving time occurs will be covered by a charge of one hour against his or her annual leave to insure payment of all eight hours. The employee on whose shift the change from daylight saving time to standard time is made will be paid overtime for the extra hour of work. No work time is lost or gained in the case of firefighters with 24 hour tours of duty, and no charge of leave or crediting of overtime will be made because they are paid on other than an hour-for-hour basis under Chapter 55, Title 5 of United States Code. (Adjustments will be required, however, when determining a firefighter's FLSA entitlement for a workweek during which a change to or from daylight saving time occurs.)

7. Overtime Work. Normally, employees who are ordered to work either (a) in excess of eight hours in one work day or (b) in excess of 40 hours in one workweek, are performing overtime work and must be compensated appropriately. For those employees on CWS, overtime compensation is entitled when employees are ordered to work in excess of full-time daily work schedules or in excess of 80 hours in a biweekly pay period. Employees who are exempt from the coverage of the FLSA will be compensated for overtime work according to the provisions of reference (b). Employees who are nonexempt from the coverage of the FLSA will be compensated for overtime work according to the provisions of reference (b) or the provisions of the FLSA, whichever provides the greater overtime benefit. The use of overtime will be restricted to cases of real necessity or where the overall economy can be clearly demonstrated. Therefore, supervisors must ensure that such overtime work is approved. Corrective discipline shall be applied if employees work overtime contrary to the supervisor's orders.

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a. Time Spent in Training as Hours of Work. Certain types of training occurring outside regular working hours are compensable as hours of work for nonexempt employees under the FLSA. The types of training and the conditions for payment under FLSA are as follows:

b. Time Spent in Formal Training. If an employee is directed to participate in training for the benefit of the activity during regular working hours, the time spent by the employee in such training is considered hours of work, provided the employee's participation is not during a period of paid leave or leave without pay. When an employee is directed to participate in such training for the benefit of the activity outside regular working hours, such training is considered hours of work under FLSA if:

(1) the employee is directed to participate in the training by his or her employing agency, and

(2) the purpose of the training is to improve the employee's performance of the duties and responsibilities of his or her current position.

c. Apprenticeship or Internship Training, or Training under the Veterans Readjustment Act. For employees engaged in an apprenticeship program or other entry level training programs, an internship program or other career related work study programs, or employees appointed under the Veterans Readjustment Act, time spent in productive work or performance of regular duties is hours of work. This includes any training scheduled during an employee's regular working hours. Included in this category is formal Upward Mobility Program training. However, any related supplemental training or preparatory time for participation in such training which is performed outside regular working hours is not hours of work, provided no productive work is performed during such periods.

d. Preparatory Time for Training. An employee may be allowed reasonable time to prepare for attendance at a training program if such preparation is closely related and indispensable to satisfactory completion of the training program. Preparatory time shall be considered hours of work under FLSA if:

(1) the preparatory time occurs during regular working hours provided the employee is not in a paid leave or leave without pay status, or

(2) the preparatory time occurs outside the employee's regular hours of work and the conditions, as stated in paragraph 7(b) above, exist.

Encl (1)

e. Time Spent Attending a Lecture, Meeting or Conference. Time spent attending a lecture, meeting or conference during regular working hours for the benefit of the activity is hours of work provided the employee is not in a paid leave or a leave without pay status. For the time spent in attendance at such an event outside regular working hours to be considered hours of work under FLSA, the employee must be directed by the activity to participate in such an event; or the employee must perform work for the benefit of the activity during such an event.

8. Travel. To the maximum extent practicable, travel time will be scheduled within an employee's regularly scheduled workweek. Where scheduling is under control of the local command, events will be scheduled at such times as to avoid the need for an employee to travel on off-duty time except under unusual circumstances where the value of the conference or training session would be seriously impaired. Where scheduling is under the control of another Department of the Navy activity, a different agency, or a private institution, effort should be made to persuade the scheduling activity or institution to arrange sessions to avoid the need for an employee to travel on off-duty time. When it is necessary for an employee who is exempt from FLSA as defined in reference (b), to travel outside regularly scheduled workweeks, such an employee will be compensated when one of the following conditions are met. The travel:

- a. involves the performance of work while traveling;
- b. is incident to travel that involves the performance of work while traveling;
- c. is carried out under arduous conditions; or
- d. results from an event which could not be scheduled or controlled administratively.

(For purposes of this instruction, all events within the control of the Federal Government are considered able to be scheduled or controlled administratively.) When it is necessary for an employee who is covered by the provisions of FLSA to travel outside a regularly scheduled workweek, the hours spent traveling will be considered "hours worked" if the employee (1) is required to drive a vehicle or perform other work while traveling; (2) is required to travel as a passenger on a one-day assignment away from the official duty station; or (3) is required to travel as a passenger on nonwork days during hours that correspond to the employee's regular working hours. When travel is noncompensable for either an exempt or nonexempt employee, the official ordering the travel shall record the reason(s) for such travel, and will upon request, furnish the employee with a copy of the reason(s).

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9. Duty on Ships Underway. Unless changed, an employee works the regular tour of duty when assigned to duty aboard a ship underway. The employee is compensated at the basic and overtime rates for the actual work performed. When it is necessary for an employee to hold a position of readiness while aboard the ship to perform actual work when the need arises or when called, such an employee may be assigned a tour of duty which includes time in a standby status. The standby duty must be ordered in advance of the assignment to duty aboard a ship underway, or approved by the head of the field activity or a designee after it has been performed, to be compensable. The standby status will begin at the time of embarkation. An employee assigned to duty aboard a ship underway is considered to be in a travel status, whether or not in a standby status, and will be entitled to the appropriate per diem allowable as prescribed in the Joint Travel Regulations, Volume 2.

10. Observance of Holidays. The following procedures apply for observance of national holidays:

a. Full-time Employees

(1) When a basic workweek is Monday through Friday:

(a) When a holiday is observed on a workday in the basic workweek, that workday is the holiday.

(b) When a holiday is observed on a Saturday, the preceding Friday is the holiday. If the preceding Friday is the CWS day, the preceding Thursday will be observed as the holiday.

(c) When a holiday is observed on a Sunday, the following Monday is the holiday.

(2) When a basic workweek is other than Monday through Friday, the observance of the holiday will be determined by using enclosure (2).

(3) When an employee's workday covers portions of two workdays, the **END** of which occurs on a calendar holiday, the employee will be required to work the entire shift which ends on the calendar holiday. The employee will observe the holiday for the workday which begins on the holiday, and the next shift will not commence until the calendar day **AFTER** the holiday. For example, if an employee's scheduled workday is from 1800, 1 May to 0200, 2 May and the calendar holiday is on 2 May (i.e., 0001 to 2400, 2 May) the employee must work the entire shift until 0200. The employee will not be required to work from 1800, 2 May to 0200, 3 May, however, because this will be the employee's holiday. The next scheduled shift then will be 1800, 3 May to 0200, 4 May.

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b. Part-time Employees

(1) When a holiday falls on a part-time employee's regularly scheduled workday, the employee shall be excused with pay for the number of hours he or she was scheduled to work on that day.

(2) When a holiday falls on a part-time employee's non-workday, the employee is not entitled to any holiday benefits.

(3) When an "in lieu of" holiday (a day which is to be treated as a holiday instead of the legal public holiday) falls on a part-time employee's regularly scheduled workday and the part-time employee is prevented from working because the activity is closed, the part-time employee will be excused with pay.

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DETERMINING DAYS ON WHICH HOLIDAY BENEFITS ACCRUE

1. The table on the following page is to be used in determining on which day of the workweek a holiday is observed when the holiday occurs on one of the two non-workdays indicated in Column 1.

2. To use the table, first find the right combination of non-workdays in Column 1 and then apply the following:

a. When a holiday falls on a non-workday listed under "A" of Column 1, find the day of the week marked "A" in Column 2. This is the day on which holiday benefits are observed.

b. When a holiday falls on a non-workday listed under "B" of Column 1, find the day of the week marked "B" in Column 2. This is the day on which holiday benefits are observed.

c. Holidays falling on the non-workdays indicated in Column "1-A", with the exception of Sunday, will be observed on the workday immediately preceding the holiday.

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A	COLUMN 1 Nonworkdays	COLUMN 2													
	B	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat
Sunday	Monday							B			A				
Monday	Tuesday								A			B			
Monday	Wednesday								A				B		
Monday	Thursday								A					B	
Monday	Friday								A						B
Monday	Saturday	A							B						
Tuesday	Wednesday									A			B		
Tuesday	Thursday									A				B	
Tuesday	Friday									A					B
Tuesday	Saturday		A						B						
Tuesday	Sunday		A							B					
Wednesday	Thursday										A		B		
Wednesday	Friday										A			B	
Wednesday	Saturday			A				B							
Wednesday	Sunday			A						B					
Thursday	Friday										A				B
Thursday	Saturday				A				B						
Thursday	Sunday				A					B					
Friday	Saturday					A			B						
Friday	Sunday					A				B					
Saturday	Sunday						A				B				

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